

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LODI UNIFIED SCHOOL DISTRICT.

OAH CASE NO. 2015030093

ORDER GRANTING IN PART AND
DENYING IN PART JOINT REQUEST
FOR CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND HEARING
DATES

On April 10, 2015, the parties filed a joint request to continue the dates in this matter based upon an interim agreement which is resulting in Student being administered several independent educational evaluations.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted in part and denied in part. All dates are vacated. However, parties have requested a mediation date of August 25, 2015, a prehearing conference date of August 31, 2015, and hearing dates of September 8-16, 2015. Good cause to set the dates beyond 90 days from the original hearing date is not established merely because Student is being administered several IEE's. This matter will be set as follows:

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| Mediation: | July 1, 2015, at 9:30 a.m. |
| Prehearing Conference: | July 10, 2015, at 10:00 a.m. |
| Due Process Hearing: | July 20-23, 2015, at 10:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. |

IT IS SO ORDERED.

DATE: April 10, 2015

/s/

REBECCA FREIE
Administrative Law Judge
Office of Administrative Hearings